

Charles P. Maher, State Bar No. 124748  
Jeffrey L. Fillerup, State Bar No. 120543  
Nhung Le, State Bar No. 209552  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
Rincon Center II, 121 Spear Street, Suite 200  
San Francisco, California 94105-1582  
Telephone No.: 415.356.4600  
Fax No.: 415.356.4610

Attorneys for Andrea A. Wirum,  
Successor-in-Interest to Charles E. Sims

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re RAMIN YEGANEH,

Debtor.

District Court Case No. C-08-01401 JSW

CHARLES E. SIMS, Trustee,

Appellee,

v.

ADVANTA TRUST and FARIN YEGANEH  
aka F. NAMDARAN aka FRAN  
NAMDARAN aka FARIN NAMDARAN aka  
FRAN YEGANEH,

Appellant.

Bankruptcy Case No. 05-30047 TEC  
Chapter 7

Adversary Proceeding  
No. 05-3243 TC

**[proposed] ORDER DISMISSING  
APPEAL OF INTERLOCUTORY ORDER  
[FRCP 12(b)(1)]**

Date: May 16, 2008  
Time: 9:00 a.m.  
Place: 450 Golden Gate Avenue,  
Courtroom 2, 17<sup>th</sup> Floor,  
San Francisco, CA  
Court: Honorable Jeffrey S. White

On May 16, 2008, a hearing was held on the motion of Andrea A. Wirum, Trustee in Bankruptcy of the estate of Ramin Yeganeh (Bankruptcy Case No. 05-30047 TC), and successor-in-interest to Charles E. Sims, Appellee. Charles P. Maher of Luce, Forward, Hamilton & Scripps, LLP, appeared on behalf of Appellee. William Gilg appeared on behalf of the Appellants.

1 Having considered the motion and supporting documentation filed by Appellee and the  
2 opposition filed by the Appellants, the Court having determined that the above appeal is of an  
3 interlocutory order for which leave has not been granted, and that this Court does not have  
4 jurisdiction under 28 U.S.C. § 158(a), and for the reasons stated on the record, it is

5 ORDERED as follows:

6 1. The notice of appeal commencing the above case is deemed a motion for leave to  
7 appeal an interlocutory order pursuant to Rule 8003(c) of the Federal Rules of Bankruptcy  
8 Procedure.

9 2. The Appellants' motion for leave to appeal is denied and the above appeal is  
10 dismissed.

11  
12  
13 Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

14  
15  
16  
17 301034942.1  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28